

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FREDERICK R. RITCHIE,

Plaintiff,

vs.

FEDERAL EXPRESS CORP.,

Defendant.

Case No. C04-1753L

ORDER DENYING MOTION FOR  
RECONSIDERATION AND/OR  
CLARIFICATION

This matter comes before the Court on the Motion for Reconsideration and/or Clarification (Dkt. # 37) filed by plaintiff Frederick R. Ritchie.

Motions for reconsideration are disfavored. See Local Rule CR 7(h)(1). The Court will ordinarily deny such motions in the absence of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the Court's attention earlier with reasonable diligence. See id. Plaintiff does not assert any new facts or legal authority that could not have been brought to this Court's attention. Instead, plaintiff asserts that the prior ruling constituted manifest error by limiting plaintiff's ability to discover "course of conduct" evidence relating to his breach of contract claim and by misstating the ruling in Bulman v. Safeway, Inc. 144 Wn.2d 335 (2001).

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1 Plaintiff has not identified any manifest error<sup>1</sup> warranting reconsideration. The prior  
2 ruling properly allowed plaintiff to obtain discoverable evidence in support of his claim that  
3 defendant breached an express or implied promise by failing to apply its fair treatment policy.  
4 What is more, the Court did not misstate the holding in Bulman v. Safeway, Inc., 144 Wn.2d  
5 335, 340-41 (2001). The Court properly cited Bulman in support of its conclusion that a party  
6 must first be aware of information before it can claim to have relied on that information.

7 For the foregoing reasons, plaintiff's Motion for Reconsideration and/or Clarification  
8 (Dkt. # 37) is DENIED.

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10 DATED this 3<sup>rd</sup> day of May, 2005.

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13 Robert S. Lasnik  
14 United States District Judge  
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24 <sup>1</sup>Manifest error is defined as "an error that is plain and indisputable, and that amounts to a  
25 complete disregard of the controlling law or the credible evidence in the record." Black's Law Dictionary  
26 582 (8th ed. 2004).